

## SUMMARY OF DOCKET ENTRIES REGARDING CLASSIFIED MATERIAL

Government Submission	Court Review	Hearing	Order
CR 93 - Mar. 20, 2008 Government Invokes CIPA and requests a Pre-trial Conference pursuant to CIPA.	None called for.	CR 102 - Apr. 29, 2008 Pre-trial Conference re: CIPA was held. All Parties present.	None called for.
CR 127 - Sept. 5, 2008 First Gov't CIPA filing.  CR 158 - Mar. 19, 2009 Addendum to First CIPA filing	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on Feb. 26, 2009, the Court confirmed that it would be conducting a review in Washington D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <p style="color: red;">• Was there a review of the First Gov't CIPA filing, when did it take place, and who was present?</p> <p style="color: red;">There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6. The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in Washington D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <p style="color: red;">• Was there a hearing, when was the hearing, and who was present?</p> <p style="color: red;">There needs to be a docket entry reflecting any hearing and who was present.</p>	CR 160 - Mar. 20, 2009 Court signed Protective Order relating to First CIPA filing. Provides for unclassified summary to be given to the defense.

Government Submission	Court Review	Hearing	Order
CR 128 - Sept. 5, 2008 Second Gov't CIPA filing.	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on February 26, 2009, the Court confirmed that it would be conducting a review in Washington D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <ul style="list-style-type: none"> <li>• Was there a review of the Second Gov't CIPA filing, when did it take place, and who was present?</li> </ul> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in Washington D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <ul style="list-style-type: none"> <li>• Was there a hearing, when was the hearing, and who was present?</li> </ul> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	CR 161 - Mar. 20, 2009 Court signed Protective Order relating to Second CIPA filing. No disclosure ordered.

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CR 129 - Sept. 5, 2008 Third Gov't CIPA filing	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on February 26, 2009, the Court confirmed that it would be conducting a review in D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <ul style="list-style-type: none"> <li>• Was there a review of the Third Gov't CIPA filing, when did it take place, and who was present?</li> </ul> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <ul style="list-style-type: none"> <li>• Was there a hearing, when was the hearing, and who was present?</li> </ul> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>The defense does not find any order referring to the Third CIPA filing.</p>
It is unclear if the CR 159 Court Order is related to the Government's Third CIPA filing (CR 129).	There needs to be a docket entry reflecting the review and presence of any government personnel.	There needs to be a docket entry reflecting any hearing and who was present.	CR 159 - Mar. 20, 2009 Court Order Denying Defendant's First Motion and Supplement to First Motion for Discovery, insofar as they relate to the Terrorist

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			Surveillance Program of the NSA.
Government In Camera Submission - Sept. 3, 2009 (See CR 216).  According to AUSA Gorder, this submission was not classified and relates to issues raised during the suppression hearing regarding the government's search of the computers seized as a result of the search warrant. In addition, it addressed one other discovery issue.	CR 216 - Sept. 10, 2009 Court reviews the government's in camera submission dated Sept. 3, 2009.	According to AUSA Gorder, there was no hearing regarding the Sept. 3, 2009 submission.	CR 216 - Sept. 10, 2009 Court confirmed that none of the items referred to in the sealed letter of Sept. 3, 2009 need be provided to the defense.
CR 219 - Sept. 10, 2009 Fourth Gov't CIPA filing.	• Was there a review?  There needs to be a docket entry reflecting the review and presence of any government personnel.	• Was there a hearing?  • Who is present?  There needs to be a docket entry reflecting any hearing and who was present.	CR 280 - Mar. 3, 2010 Court signed Protective Order relating to Fourth CIPA filing. No disclosure is ordered.
CR 236 - Nov. 13, 2009 Fifth Gov't CIPA filing	The docket does not reflect any review of the material submitted through the Fifth CIPA filing.	CR 217 - Aug. 11, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.  CR 218 - Sept. 10, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.	CR 278 - Feb. 26, 2010 Court signed Protective Order relating to Fifth CIPA filing allowing for a classified summary to be provided to the defense.  CR 297 - Mar. 19, 2010 Court entered a protective order providing for the review of classified summary by the

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		<p>CR 229 - Oct. 14, 2009            An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p> <p>According to AUSA Gorder, the three hearings (CR 217, 218, 229) listed above were all related to the later filed Fifth Gov't CIPA filing (CR 236).</p> <p>The docket should reflect that these hearings related to CR 236 and should reflect who was present at each of the hearings that took place regarding Fifth CIPA filing.</p>	defense.
	<p>CR 364 - May 4, 2010            Court mentions it is going to Washington D.C. to do some review on May 19, 2010. Tr. 5/4/10 at 7-8.</p> <p>The docket does not reflect whether any such review occurred and if so, who was present.</p>		

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		<p>CR 364 - May 4, 2010        Government (AUSA Gorder) mentions that he would like to meet with the Court re: the Defense filings filed from Washington D.C. at the end of Apr. 2010. Tr. 5/4/10 at 7-8.</p> <p>The docket does not reflect whether any such hearing was held.</p>	
<p>CR 391 - Jun. 14, 2010        Sixth Gov't CIPA filing entitled "Ex Parte Government's Supplemental Response to Defendant's Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government's Motion to Delete Items from Discovery."</p> <p>It is inferred that this is related to:</p> <p>CR 392 - June 14, 2010        Notice of Filing of the Government's In Camera Response to Defendant's Third Supplement to First Motion for Discovery Pursuant to the Classified Information Procedures Act.</p>	<p>The docket does not reflect the review of the Sixth CIPA filing.</p>	<p>The docket does not reflect whether a hearing took place, and who was present, regarding the Sixth CIPA filing.</p>	<p>CR 424 - Aug. 23, 2010        Court signed Protective Order re: "Ex Parte Government's Supplemental Response to Defendant's Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government's Motion to Delete Items from Discovery."</p> <p>CR 409 - The Court denied Defendant's Third Supplement to First Motion for Discovery.</p>

Defense Submission	Court Review	Hearing	Order
On or about Jan. 31, 2008, Defense Counsel places a defense document in a Sensitive Compartmentalized Information Facility (SCIF) through the Court Security Officer. See, e.g. Tr. Mar. 18, 2008 at 7 (CR 92).  CR 105, 106 - Jun. 16, 2008 Defense Motion for Protective Order and Modify Court's May 16, 2008 Order.  CR 135, 136 - Oct. 10, 2008 Defense renews motion for modification of court order of May 16, 2008.  CR 162 - Apr. 14, 2009 Defense requests ruling regarding ability to communicate about document provided by defense. Tr. 4/14/09 at 4, 23.  CR 164 - Apr. 17, 2009 Defense requests ruling on CR 105, 106, 136. (Fn 1).  CR 222 - Sept. 15, 2009 Defense requests guidance from the Court regarding the May 16, 2008 Order.	CR 143 - Nov. 12, 2008 Court indicates it is going to look at materials. Tr. 11/12/08 at 5.  CR 570 - Aug. 10, 2011 at 14. The Court acknowledges that the Court has reviewed the document.  <b>There needs to be a docket entry that reflects each time a review took place, and who was present during the review.</b>	<b>There needs to be a docket entry that reflects if there was a hearing, when the hearing was, and who was present.</b>	CR 103 - May 16, 2008 Court ordered defense counsel and defense team to have no discussion regarding contents of document defense placed in SCIF.  CR 109 - Jul 1, 2008 Order denying defendant's motion for protective order.  CR 113 - Jul. 15, 2008 Court Orders no reference to any memory of the contents or speculation as to the contents. Court bars disclosure. Tr. 7/15/08 at 4.  CR 143 - Nov. 12, 2008 Court notes material is barred from discussion, and that it is going to look at it first. Tr. 11/12/08 at 5.  CR 191 - Jul 1, 2009 Court denied defense motions for modification of Court order of May 16, 2008.  CR 222 - Sept. 15, 2009 Court indicates that it will put ruling in writing. Tr. 9/15/09 at 18  CR 276 - Feb. 26, 2010 at 2 Order denying protective order that would allow for the defense team to discuss

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			defense document placed in SCIF.  CR 570 - Aug. 10, 2011 Court denied reconsideration.
CR 194 & 195 - July 9, 2009 Defense Motion for a Protective Order and Defense First CIPA notice (no submission of materials).	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 276 - Feb. 26, 2010 Order denying protective order that would allow for the defense team to discuss defense document placed in SCIF.  CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.
CR 200 - July 27, 2009 Defense Second CIPA notice (no submission of materials).	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 276 - Court noted that defense does not have access to any of the potentially classified information.  CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.
CR 351 (567) - April 28, 2010 Defense Third CIPA notice.	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.

Date of Classified/Closed Hearing	Who Is Present	Are Materials Reviews
CR 312 - April 1, 2010 Classified hearing held.	The docket does not reflect who is present.	The docket does not reflect if any materials were reviewed.
CR 373 - May 10, 2010 Classified hearing held.	The docket does not reflect who is present.	The docket does not reflect if any materials were reviewed.
*Aug. 31, 2010 (4:14 p.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, Wax, Matasar, Scooter Slade, David Baker, Christy Weller	
*Sept. 2, 2010 (5:53 p.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, Matasar, Wax, William Teesdale, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
*Sept. 2, 2010 (6:05 p.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
*Sept. 2, 2010 (6:12 p.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
*Sept. 3, 2010 (11:20 a.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, Wax, Matasar, Scooter Slade, Christy Weller, David Baker	
*Sept. 7, 2010 (2:50 p.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Cardani, Gorder, David Carroll, Scooter Slade, David Baker	

Date of Classified/Closed Hearing	Who Is Present	Are Materials Reviews
*Sept. 7, 2010 (2:28 p.m.) Closed hearing held.  <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, David Carroll, Wax, William Teesdale, Christy Weller, Scooter Slade, David Baker	

\* This information provided to all parties by the Court Security Officer.